



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

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Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Keith Dennis, Senior Planner
For: James E. Vlahovich, Planning Director
SUBJECT: Docket SU-09-08A (Elder Care for Life Appeal)
DATE: December 22, 2010, for the January 4, 2011 Meeting

SU-09-08 AND SU-09-08A: PLANNING AND ZONING COMMISSION MEETING MINUTES

For the Board's benefit, below are the Planning Commission meeting minutes pertaining to the Elder Care for Life Docket.

March 11, 2009

Docket SU-09-08: The Applicant requests a Special Use Permit to allow a Residential Care Institution on a 3-acre parcel in a TR-36 District, pursuant to Section 707.06 of the Zoning Regulations. The Applicant intends to add two additional residents in an existing, permitted Residential Care Home. No expansion to the existing home is proposed. The subject parcel (Parcel # 104-02-006F) is located at 5605 E Labrador Lane in Hereford, AZ.

Planner Keith Dennis presented a Power Point presentation explaining the proposal. He presented photos and maps of the area, and explained the zoning of the surrounding properties. Mr. Dennis explained there is a deed restriction and asked the County Attorney to explain this to the Commission.

Adam Ambrose, County Attorney's Office, stated that it is not the responsibility of the county to enforce a private agreement. However, if other residents object on the grounds of the covenant, then the policies are to be considered by the Commission.

Mr. Dennis explained the access and traffic concerns that have risen by the residents in the area. He further explained the factors in favor, and the factors against. He stated staff had received no letters in support and one letter in opposition. However the property owner that had opposed indicated he would conditionally support the request if the traffic accesses the property from the Calle De La Naranja entrance.

Monica Vandivort stated she is a physician that takes care of elderly patients in Cochise County. She further stated the facility and how the facility is operated. She stated it is a non profit facility, and explained it is funded by the State.

Vice Chair Basnar opened the meeting to the public.

Connie Kumar explained she lives next to the proposal; she stated she is concerned about the traffic on the road. She further stated that they would like to have Calle de le Mango closed to control the traffic.

Crystal Trusty stated she lives near the care center and stated she supports using the other road as the main entrance.

Nancy Dowd stated she is the manager of Windmill Ranch and explained that she had spoke to Waste Management and they would use the back way to the facility.

Vice-Chair Basnar closed the meeting to the public.

Commissioner Harguess asked if the roads will be used by future residents.

Mr. Dennis explained the Calle De La Mango and Calle De Le Naranja are County maintained road and can be used by anyone. Labrador Lane is the only private easement.

Mrs. Vandivort stated they are trying to mitigate the impacts from the daily traffic.

Mr. Dennis stated that staff recommends conditional approval of the request. He further explained the details of the conditions stated in the staff report.

Motion: Approve SU-09-08 with conditions 1 through 7 and modifications 1 through 4,

Action: Approve,

Moved by John Wendell, **Seconded by** Rusty Harguess.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Rusty Harguess, Lee Basnar, Al Haralson, John Wendell, Cruz Silva, Pat Edie.

November 10, 2010

Commissioner Lynch recused himself from the docket as he owns property in the area. Mr. Lynch removed himself from the bench.

Docket SU-09-08A: Planner Keith Dennis stated the Applicant, Elder Care for Life, currently operates a Residential Care Institution on the property, as allowed by Special Use pursuant to Section 707.06 of the Zoning Regulations. The Planning and Zoning Commission authorized the Special Use in March of 2009, with approval conditions

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requiring the Applicant to direct associated traffic to use Calle de Naranja, a County-maintained road west of the property. Specifically, the condition required the Applicant to:

- A. Require all traffic accessing the site to use the Calle de Naranja route;
- B. Post a sign at the property line along Labrador Lane, instructing visitors to use the Calle de Naranja route; and
- C. Inform employees, delivery drivers, and residents' family members in writing to access the site through the Calle de Naranja route.

He further stated the Applicant now seeks a Special Use Modification, to have these approval conditions removed from the Special Use and allow traffic to access Calle de Mango, a County-maintained road east of the property.

Mr. Dennis presented maps and photos of the subject parcel (Parcel # 104-02-006F) which is located at 5605 E Labrador Lane in Hereford, AZ. He presented factors in favor And against, stating staff received letters from Emergency services and 1 neighbor in support., and 32 letters in opposition.

Commissioner Bemis asked what causes the delay using Calle De La Naranja.

Mike McKearney from the Fry Fire District, stated the delay using Calle de Le Naranja is that only part of the road is County-maintained, and so the other part is not on their maps, causing a delay.

Commissioner Brofer asked staff if emergency traffic can use Labrador Lane.

Karen Lamberton explained the Calle De La Naranja is considered by the County as a primitive road, therefore does not appear on County maps as a maintained road.

Scott Wolfe, Board of Directors for Elder Care for Life, stated he was the one who had been maintaining Labrador Lane, and has seen the problems related to access on Labrador Lane. Mr. Wolfe stated they are requesting conditions to use Calle De La Naranja only.

Chair Basnar opened the meeting the public.

Duane Bennett stated his mother is a resident of Windmill Ranch, and he stated he is concerned about her well being since emergency services can not access the property except from one access point.

Robert Statchel, Attorney for the applicant, stated the easement was created in 1985 in the wrong place, however it was corrected in 19904. He further stated this is a public safety issue, however not all of the issue. The residents have friends and family that need to be able to visit for the well being of the residents.

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Kenneth Sampson stated the easement is a private easement and should not be used by the visitors to the Residential care home.

Chester Lemanski stated they purchased their property last year and feels the owners should improve Calle De La Naranja and not use Calle De La Mango.

Gerry Kummer stated he put up the gates because the easement is a private easement and should not be used by anyone except the residents on Labrador lane.

Lisa Carroll stated the easement doesn't go past the Kummer's property; therefore there is no need for anyone to pass on that road.

Monica Vandivort stated she is on the Board of Director's for Elder Care. She Further addressed residents' concerns.

Robert Statchel stated it would be easier for the emergency services, and visitors to use Calle De La Mango due to flooding issues, and safety issues.

Commissioner Brauchla asked how wide the easement is.

Mr. Statchel stated the easement is 24' wide.

Chair Basnar closed the meeting to the public.

Mr. Dennis stated staff recommends approval of the modification to the Special Use request.

Commissioner Harguess asked County Attorney Britt Hansen about the dispute on the easement.

Mr. Hansen stated the dispute has no effect on the Commission.

Commissioner Basnar stated he feels the original conditions should stay in place.

Commissioners Martzke, Harguess, Brofer and Bemis concurred.

Chair Basnar asked for a motion.

Motion: motion to approve the modification to SU-09-08A, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Rusty Harguess.

Vote: Motion failed (**summary:** Yes = 0, No = 7, Abstain = 0, Recused = 1).

No: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Pat Edie, Ron Bemis, Gary Brauchla.